

RESPONSE  
SN 09/924,022  
PAGE - 2 of 7 -

### **REMARKS**

In the Office Action, the Examiner noted that claims 1-27 are pending in the application and that claims 1-27 are rejected. In view of the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102 or are obvious under the provisions of 35 U.S.C. §103. Thus, the Applicants believe that all of these claims are now in condition for allowance.

#### **I. REJECTION OF CLAIMS 1-7, 10-16 AND 18-27 UNDER 35 U.S.C. §102**

The Examiner rejected claims 1-7, 10-16, and 18-27 as being anticipated by the Stewart et al. patent (United States patent number 6,009,091, issued December 28, 1999, hereinafter Stewart). The rejection is respectfully traversed.

Stewart teaches a Dedicated Physical Location Channel (DPLCH) that is utilized by a mobile station to support subscriber location functions. The DPLCH is spread by an Orthogonal Variable Spreading Factor (OVSF) code C.sub.L of length 256 which is distinct from those OVSF codes assigned to other channels utilized by the mobile station. When a power-up function (PUF) is received by the mobile station, the DPLCH sub-channel amplitude is then modified relative to the other channels being utilized by the mobile station using gain module G.sub.L prior to combination with the other channels (see Abstract).

Stewart, however, does not teach each and every element of Applicants' invention as recited in independent claims 1, 18, 21, 24, and 27. Namely, Stewart does not teach or suggest the simulcasting of signals to a mobile station from a plurality of base stations. Specifically, Applicants' independent claims 1, 18, 21, 24 and 27 respectively recite:

1. A method for determining the location of a mobile station, comprising:  
receiving a plurality of simulcast signals from respective base stations;  
determining relative time of arrival information for the received plurality of simulcast signals; and  
determining the position of the mobile station. (Emphasis added)
18. A method for receiving location information for a mobile station, comprising:

RESPONSE  
SN 09/924,022  
PAGE - 3 of 7 -

transmitting simulcast signals to the mobile station; and  
receiving mobile station location information from the mobile station determined  
from relative time of arrival information for the simulcast signals. (Emphasis added)

21. A mobile station, comprising:  
a receiver for receiving simulcast signals from a plurality of base stations; and  
a processor for determining time of arrival information for the received simulcast  
signals and identifying a location of the mobile station. (Emphasis added)

24. A wireless network for providing location specific information to a mobile station,  
comprising:  
a plurality of base stations for transmitting simulcast signals;  
a mobile station for receiving the simulcast signals and determining a location of  
the mobile station. (Emphasis added)

27. A wireless network, comprising:  
a plurality of base stations for transmitting simulcast signals to mobile stations  
and receiving mobile station location information from at least one of the mobile stations  
to broadcast location specific information to the mobile stations. (Emphasis added)

The Applicants' invention teaches a method for determining the location of a  
mobile station utilizing simulcasted signals that are transmitted from a plurality of base  
stations. Simulcasting is the transmission of a particular signal from a plurality of base  
stations at the same moment in time. Specifically, the Applicants describe simulcasting  
as the "simultaneous transmission of the same information content from multiple base  
stations" (see Applicants' specification, page 5, paragraph 3).

Conversely, the Stewart reference does not teach this aspect of the invention.  
Notably, Stewart does not teach or mention the simultaneous transmission of identical  
information content from multiple base stations anywhere in the patent. The Examiner  
alleges that Stewart teaches this aspect in column 4, line 66 to column 5, line 27, but  
the Applicants respectfully disagree. The Applicants instead submit that this section in  
Stewart discloses two methods that respectively teach 1) the importance of accurately  
knowing the total time delay along each of three mobile stations to base station paths  
and 2) the importance of the time differences in the arrival of signals at the mobile  
station from each base station. Both of these methods are disclosed by Stewart in the  
absence of teaching the simulcasting of signals. More specifically, the first method (i.e.,  
the TOA method) states that it is necessary to know precisely the instant the signal is  
emitted from the base stations and the instant it arrives at the mobile station. However,

RESPONSE  
SN 09/924,022  
PAGE - 4 of 7 -

there is no mention or teaching that the signals must be transmitted at the same exact time. Nor can this significant aspect be implied since this method taught by Stewart is a radio triangulation technique that does not require a signal to be simulcasted (see Stewart, column 5, lines 8-14). Similarly, the second method (e.g., the TDOA method) taught by Stewart does not require a signal to be simulcasted since the location estimated is determined by estimating the time difference between base station observations of a signal transmitted by the mobile station (which also differs from the claimed invention, i.e., signals are transmitted to the mobile station) (see Stewart, column 5, lines 28-38).

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). Since Stewart does not disclose a plurality of base stations simulcasting signals to a mobile device, Stewart does not teach each and every element of the Applicants' invention as set forth in claims 1, 18, 21, 24 and 27. Therefore, the Applicants contend that claims 1, 18, 21, 24 and 27 are not anticipated by Stewart and, as such, fully satisfy the requirements of 35 U.S.C. §102

Dependent claims 2-7, 10-16, 19, 20, 22, 23, 25 and 26 depend, either directly or indirectly, from claim 1, 18, 21 and 24 and recite additional features thereof. As such and for the exact same reasons set forth above, the Applicants submit that claims 2-7, 10-16, 19, 20, 22, 23, 25 and 26 are not anticipated by the teachings of Stewart. Therefore, the Applicants submit that claims 2-7, 10-16, 19, 20, 22, 23, 25 and 26 fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

## **II. REJECTION OF CLAIMS UNDER 35 U.S.C. §103**

### **A. Claims 8 and 9**

The Examiner rejected claims 8 and 9 as being unpatentable over Stewart. The rejection is respectfully traversed. Stewart is discussed above.

RESPONSE  
SN 09/924,022  
PAGE - 5 of 7 -

The Examiner states the Stewart fails to disclose various techniques of locating a mobile station such as GPS and Doppler Shift. However, the Examiner contends that such techniques are well known in the art, and thus, takes official notice as such. Regardless, the Examiner's attention is directed to the fact that Stewart in view of the official notice fails to disclose the simultaneous transmissions of a signal (i.e., simulcasting) from a plurality of base stations to a mobile station as described by the Applicants' invention. Since the combination of the Stewart and the official notice references fails to teach or suggest the Applicants' invention as a whole, the Applicants contend that claims 8 and 9 are not made obvious by Stewart in view of the official notice and, as such, fully satisfy the requirements of 35 U.S.C. §103. Furthermore, the Applicants respectfully request that the Examiner provide support for the Examiner's Official Notice. In particular, the Applicants respectfully request that the Examiner provide some reference that teaches or suggests the various techniques of locating a mobile station, which are referred to on page 3 of the Office Action.

Dependent claims 8 and 9 depend, either directly or indirectly, from claim 1 and recite additional features thereof. As such and for the exact same reasons set forth above, the Applicants submit that claims 8 and 9 are not made obvious by Stewart in view of the official notice. Therefore, the Applicants submit that claims 8-9 fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

#### **B. Claim 17**

The Examiner rejected claim 17 as being unpatentable over Stewart in view of the Oren patent (United States patent 6,725,045, hereinafter Oren). The rejection is respectfully traversed.

Stewart is discussed above.

Oren teaches a method and system for locating people and routing telephone calls to telephone stations selected by the called party. According to some embodiments of the present invention, the system may include wireless personal units and a location and routing unit adapted to locate the personal units and to route an

RESPONSE  
SN 09/924,022  
PAGE - 6 of 7 -

incoming call intended for a telephone user associated with a particular personal unit to any one of the telephone stations selected by the telephone user (see Abstract).

The Examiner's attention is directed to the fact that Stewart and Oren (either singly or in any permissible combination) fail to disclose the simulcasting of signals from a plurality of base stations that is received at a mobile station as described by the Applicants' invention. Stewart fails to teach the simultaneous transmission of signals from a plurality of base stations that is received at a mobile station. Similarly, Oren also does not teach, suggest, or mention the simultaneous transmission of signals from a plurality of base stations that is received at a mobile station. Since Oren fails to bridge the substantial gap existing between the Applicants' invention and Stewart, the Applicants contend that the combination of Stewart and Oren does not teach the Applicants' invention as a whole.

Therefore, even if the two references could somehow be operably combined (and the Applicants submit that the references cannot be properly combined), the resulting combination of Stewart and Oren would still fail to mention or suggest the simultaneous transmission of signals from a plurality of base stations that is received at a mobile station as claimed in independent claim 1.

Thus, the Examiner has failed to present a prima facie case of obviousness in combining Stewart with Oren to arrive at the claimed invention of Applicants' claim 17 since this claim depends indirectly from claim 1. Therefore, the Applicants submit that claim 17 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Withdrawal of the rejection is respectfully requested.

### **III. CONCLUSION**


Thus, Applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. §102 or obvious under the provisions of 35 U.S.C. §103. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

RESPONSE  
SN 09/924,022  
PAGE - 7 of 7 -

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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